

RECEIVED  
FEDERAL ELECTION COMMISSION

2014 AUG -2 AM 9: 56

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )

MUR 6884 )

John Lewis )

Montanans for Lewis and )

Holly Giarraputo as treasurer )

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**GENERAL COUNSEL'S REPORT**

Under the Enforcement Priority System, the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue. These criteria include without limitation an assessment of the following factors: (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and developments of the law. It is the Commission's policy that pursuing relatively low-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss cases under certain circumstances or, where the record indicates that no violation of the Act has occurred, to make no reason to believe findings. The Office of General Counsel has determined that MUR 6884 should not be referred to the Alternative Dispute Resolution Office.<sup>1</sup>

For the reasons set forth below, the Office of General Counsel recommends that the Commission find no reason to believe that Respondents John Lewis, Montanans for Lewis, and

<sup>1</sup> The EPS rating information is as follows:  
Committee Response Filed: January 9, 2015.

1 Holly Giarraputo in her official capacity as treasurer (collectively, the "Committee") failed to  
2 accurately report conduit contributions in violation of 52 U.S.C. §§ 30104(b)(3)(A), 30116(a)(8),  
3 and 11 C.F.R. § 110.6(c)(2).

4 The Complaint alleges that the Committee violated the Federal Election Campaign Act of  
5 1971, as amended (the "Act") and Commission regulations by failing to report contributions  
6 made by individual donors through the conduit fundraising entity ActBlue on its 2014 October  
7 Quarterly Report. Compl. at 2. The Complaint further alleges the Committee failed to  
8 accurately report required information about the contributions made through ActBlue. *Id.*  
9 According to the Complaint, nearly one-third of contributions itemized on the report came  
10 through ActBlue, but the entries on the report are missing required contributor information. *Id.*  
11 The Committee argues that it correctly reported every conduit contribution. Resp. at 2.

12 The Act and Commission regulations require an authorized committee to itemize the  
13 earmarked contributions it receives from a particular conduit when that conduit transmits in  
14 excess of \$200 in earmarked contributions in a calendar year. 52 U.S.C. §§ 30104(b)(3)(A),  
15 30116(a)(8), 11 C.F.R. § 110.6(c)(2). If itemization is required, the authorized committee must  
16 (1) identify<sup>2</sup> the conduit; (2) report the date of receipt and total amount of earmarked  
17 contributions received from that conduit; and (3) itemize the original contributions from each  
18 individual whose total contributions to the committee aggregate over \$200 per election cycle,  
19 including the full name, mailing address, occupation, and employer of the contributor, the  
20 amount earmarked, and the date the conduit received the contribution. *Id.* See also 11 C.F.R. §  
21 104.3(a)(4). A review of the Committee's 2014 October Quarterly Report reveals that the

---

<sup>2</sup> The Act defines "identification" to include, for individuals, their name, address, occupation, and name of employer. 52 U.S.C. § 30101(13)(A). For any other person, including a conduit, the full name and address is required. 52 U.S.C. § 30101(13)(B).

1 Committee properly disclosed the required information about the conduit,<sup>3</sup> as well as the required  
2 contributor information for each of the 930 contributions the Committee received through  
3 ActBlue.<sup>4</sup>

4 Accordingly, we recommend that the Commission find no reason to believe that John  
5 Lewis, Montanans for Lewis and Holly Giarraputo in her official capacity as treasurer failed to  
6 accurately report conduit contributions in violation of 52 U.S.C. §§ 30104(b)(3)(A), 30116(a)(8)  
7 or 11 C.F.R. § 110.6(c)(2). We also recommend that the Commission close the file and send the  
8 appropriate letters.

9 **RECOMMENDATIONS**

- 10 1. Find no reason to believe John Lewis, Montanans for Lewis, and Holly Giarraputo in  
11 her official capacity as treasurer violated 52 U.S.C. §§ 30104(b)(3)(A), 30116(a)(8)  
12 or 11 C.F.R. § 110.6(c)(2).  
13  
14 2. Approve the attached Factual and Legal Analysis.  
15  
16 3. Approve the appropriate letters.  
17  
18 4. Close the file.  
19

20 Daniel A. Petalas  
21 Acting General Counsel  
22  
23  
24

25 Kathleen M. Guith  
26 Acting Associate General Counsel  
27 for Enforcement  
28  
29

<sup>3</sup> A comparison of the Committee's 2014 October Quarterly Report and ActBlue's filings for July – September 2014 confirmed the Committee correctly itemized all conduit contributions over \$200 that it received through ActBlue.

<sup>4</sup> The 2014 October Quarterly Report included 2,179 itemized entries, 2,151 of which were from individual contributors. Of those itemized individual contributor entries, 930 were memo entries indicating reportable conduit contributions through ActBlue.

8.2.16

Date

BY:

Stephen Gura

Stephen Gura  
Deputy Associate General Counsel  
Enforcement

Jeff S. Jordan

Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination  
& Legal Administration

by me  
with permission

Danna Seligman

Danna Seligman  
Extern  
Enforcement

100N4400N4001